

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>CLARENCE ELDON CHARLTON,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-24-701-G</b>
	)	
<b>RANDY HARDING, Warden,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

On July 12, 2024, Petitioner Clarence Eldon Charlton, a state prisoner, filed this action seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254. *See* Pet. (Doc. No. 1). In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Amanda Maxfield Green for initial proceedings.

On October 9, 2024, Judge Green issued a Report and Recommendation (Doc. No. 7), in which she recommended dismissal of the pleading as an unauthorized second or successive habeas petition. *See* 28 U.S.C. § 2244(b); R. 4, R. Governing § 2254 Cases in U.S. Dist. Cts. In the Report and Recommendation, Judge Green advised Petitioner of his right to object to the Report and Recommendation by October 30, 2024. Judge Green also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the Report and Recommendation.

As of this date, Petitioner has not submitted an objection to the Report and Recommendation or sought leave for additional time to do so.

## CONCLUSION

Accordingly, the Report and Recommendation (Doc. No. 7) is ADOPTED in its entirety. The Petition for Writ of Habeas Corpus (Doc. No. 1) is DISMISSED without prejudice for lack of jurisdiction. A separate judgment shall be entered.

Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires the Court to issue or deny a certificate of appealability when it enters a final order adverse to a petitioner. A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “When the district court denies a habeas petition on procedural grounds without reaching the prisoner’s underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Upon review, the Court concludes that the requisite standard is not met in this case. Thus, a certificate of appealability is DENIED.

IT IS SO ORDERED this 22nd day of November, 2024.

  
CHARLES B. GOODWIN  
United States District Judge